

St. Louis City Ordinance 63173

FLOOR SUBSTITUTE

BOARD BILL NO. [94] 44

INTRODUCED BY ALDERMAN NANCY WEBER

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in a portion of McKissock beginning at Humboldt and extending southwardly approximately 3043' +/- 50' and a portion of Third beginning at the northern R.O.W. line of vacated Luther and extending southwardly approximately 2015.70' +/- 5.0' in the City of Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE:

The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of: A part of McKissock Avenue, 60 feet wide, as dedicated in Plat Book 27, page 89, and in Plat Book 31 pages 6 through 9 of the City of St. Louis Records, lying within City Blocks 3474-E, 3474-W, and 4200-W, 4200-EA, and a part of West Third Street, 18.50 feet wide, lying within City Blocks 3474-E and 3474-W, and together being more particularly described as follows:

Beginning at a point on the west line of McKissock Avenue, as dedicated in Plat Book 27 page 89, said point being the southeast corner of property conveyed to Dial Redevelopment Corporation, by deed recorded December 23, 1987 daily #142; thence northwardly along the west line of McKissock Avenue and along the east line of said Dial Redevelopment Corporation property a distance of 464.05 feet to a point of curve; thence northwardly and northeastwardly along the west line of McKissock as dedicated in Plat Book 31 pages 6 through 9 and along a curve to the right having a radius of 160 feet an arc distance of 125.66 feet to a point of tangency; thence continuing along said west line northeastwardly a distance of 232.47 feet to a point of curve; thence along a curve to the left having a radius of 100.00 feet an arc distance of 81.74 feet to a point of tangency; thence continuing along the west line of McKissock Avenue northwardly a distance of 971.04 feet to a point of curve; thence along

a curve to the left having a radius of 100.00 feet an arc distance of 75.34 feet to a point of tangency; thence continuing along the west line of McKissock Avenue northwardly a distance of 189.28 feet to a point of curve; thence along a curve to the right having a radius of 160.00 feet an arc distance of 121.13 feet to its intersection with McKissock Avenue as dedicated in Plat Book 27 page 89; thence northwardly along the west line of McKissock Avenue and along a curve to the left having a radius of 1104.03 feet an arc distance of 200.35 feet to a point of reverse curve; thence continuing along the west line of McKissock Avenue northwardly and along a curve to the right having a radius of 632.96 feet an arc distance of 319.19 feet to a point of reverse curve; thence continuing along the west line of McKissock Avenue, northwardly and along a curve to the left having a radius of 512.96 feet an arc distance of 134.29 feet to a point of tangency; thence continuing along the west line of McKissock Avenue a distance of 176.57 feet to the south line of Humboldt Avenue, 25 feet wide and being the west prolongation of the north line of property described as Parcel "B" in deed to Food Equipment Corporation recorded in Book 6737 Page 175 of the City of St. Louis Records; thence eastwardly and along the south line of said Humboldt Avenue, 60.00 feet to the east line of McKissock Avenue; thence southwardly and along the east line of McKissock Avenue, 176.57 feet to a point of curve; thence along a curve to the right having a radius of 572.96 feet, an arc distance of 150.00 feet to a point of reverse curve; thence southwardly along the east line of McKissock Avenue and along a curve to the left having a radius of 572.96 feet an arc distance of 288.93 feet to a point of reverse curve; thence continuing along the east line of McKissock Avenue and along a curve to the right having a radius of 1164.03 feet an arc distance of 211.24 feet to its intersection with the east line of McKissock Avenue as dedicated in Plat Book 31 pages 6 through 9; thence along the east line of McKissock Avenue as dedicated in Plat Book 31 pages 6 through 9 southwardly and along a curve to the left having a radius of 100.00 feet an arc distance of 75.71 feet to a point of tangency; thence continuing along the east line of McKissock Avenue southwardly a distance of 189.28 feet to a point of curve; thence along a curve to the right having a radius of 160.00 feet an arc distance of 42.84 feet to its intersection with the west line of West Third Street; thence northwardly along the west line of West Third Street a distance of 141.26 feet to the north line of former Luther Avenue vacated; thence eastwardly along the north line of former Luther Avenue a distance of 18.54 feet to the east line of West Third Street, thence southwardly along the east line of West Third Street a distance of 2015.70 feet to its intersection with the eastern prolongation of the south line of property conveyed to Dial Corporation by deed recorded January 26, 1988 daily #122; thence westwardly along said eastern prolongation a distance of 18.54 feet to the southeast corner of said

property conveyed to Dial Corporation being also on the west line of said West Third Street; thence northwardly along the west line of West Third Street a distance of 753.96 feet to its intersection with the east line of said McKissock Avenue as dedicated in Plat Book 31 page 6 through 9, thence southwardly along the east line of said McKissock Avenue along a curve to the right having a radius of 160.00 feet an arc distance of 53.08 feet to a point of tangency; thence continuing along said east line a distance of 232.47 feet to a point of curve; thence southwardly along a curve to the left having a radius of 100.00 feet an arc distance of 78.54 feet to its intersection with the east line of McKissock Avenue as dedicated in Plat Book 27 page 89; thence continuing along said east line southwardly a distance of 466.27 feet to the southwest corner of property conveyed to Dial Corporation by deed recorded January 26, 1988 daily #122; thence leaving said east line and running westwardly along the western prolongation of the south line of said property conveyed to Dial Corporation a distance of 60.04 feet to the poing of beginning.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO:

Petitioners are Dial Corporation, Norfolk Southern Railroad, Union Electric, and Food Equipment Corporation. Vacation will allow Dial Corporation to expand its facilities and provide better security.

SECTION THREE:

All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated streets, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR:

The owners of the land may, at their election and expense remove the surface pavement of said so vacated streets provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE:

The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX:

The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN:

The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT:

In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE:

This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit

being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN:

An affidavit stating that all of the conditions of this ordinance have been complied with must be submitted to the Board of Public Service for acceptance 365 days (one year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

SECTION ELEVEN:

The passage of this Ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, it is hereby declared to be an emergency Ordinance as provided for by Article IV, Section 20 of the Charter of the City of St. Louis and shall be effective immediately upon approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND

04/19/94	04/19/94	STR	06/08/94	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
06/10/94			06/17/94	06/17/94
ORDINANCE	VETOED		VETO OVR	
63173				

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